

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The final Office Action dated July 21, 2005 has been received and its contents carefully reviewed.

Claims 1-8 and 21-28 are currently pending. Applicants respectfully request favorable reconsideration in view of the remarks presented herein below.

In paragraph 2 of the Action, the Examiner rejects claims 21-28 under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

With regard to claim 21, the Examiner asserts that specification makes no mention of the width of the first and second compensating layers and the drawings show the widths of the compensating layers to be wider than that of the seals. Therefore, the Examiner asserts that claim 21 constitutes new matter. Further, the Examiner states with regard to the Applicant's assertion that this is supported at page 9, lines 1-3: "The specification at this location makes no mention, explicitly or implicitly, of the width of the compensating layer relative to that of the dummy seal." Further the Examiner states:

Examiner respectfully submits that -- based upon Applicant's own analysis then -- the terminology "substantially the same width" would also include that the compensating layers could be slightly narrower than that seals. But the range "slight narrower" falls outside the metes and bounds of the original disclosure while falling under "substantially the same width." Nowhere in the four corners of the disclosure is there support for the compensating layers being slightly narrower than the seals. Ergo, "substantially the same width" extends beyond the scope of the original claims.

The portion of the specification cited by the Applicant discusses the etching of the various layers associated with the seals shown in Figures 4 and 5. Because the compensating layer under the dummy seal is formed by etching, it is well understood by those in the art that the result of the etching process can result in an etched layer being slightly wider or narrower than the mask used to etch, because of over or under etching that might occur. Therefore, because an

etching process is used to form the compensation layer, it is well understood to one of skill in the art that such a compensating layer may have some variation in its width and thus the use of the language, "substantially the same width" would be well understood from the specification. Therefore, Applicant requests the withdrawal of the rejection of claims 21-28 under 35 U.S.C. § 112, second paragraph.

In paragraph 4 of the Action, the Examiner rejects claims 1-3, 5, 21-23 and 25 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,239,855 to Nakahara et al. ("Nakahara"). Applicants respectfully traverse this rejection.

In order to support a rejection under 35 U.S.C. §102, the cited reference must teach each and every claimed element. In the present case, claims 1-3, 5, 21-23 and 25 are not anticipated by Nakahara because Nakahara fails to disclose each and every claimed element as discussed below.

Independent claim 1 defines a liquid crystal display device that includes, *inter alia*, a first substrate; a main seal on the first substrate defining a liquid crystal injection area; a first compensating layer under the main seal, said first compensating layer providing a step upon which the main seal is raised; a plurality of dummy seals on the first substrate and external to the liquid crystal injection area; and a second compensating layer under the plurality of dummy seals, the second compensating layer providing a step upon which the dummy seals are raised and having substantially the same structure as the first compensating layer.

In rejecting claim 1, the Examiner points to column 4, line 57-62 as disclosing the claimed first and second compensating layers. More specifically, the Examiner asserts that the functional film of Nakahara is equivalent to the claimed compensating layers because it is deposited under the main and dummy seals. In addition, the Examiner asserts that Nakahara expressly teaches (1) the step coverage compensating layer, and (2) the step coverage compensating layer is substantially the same width as the dummy seal because the step-shaped coverage compensating layer is only that portion of the "functional film" on which is the seal is formed. These assertions are unfounded for the following reasons.

First, Applicants note that it is unclear where the Examiner has interpreted Nakahara as disclosing that (1) the functional film is only disposed under the dummy seals, or that (2) the

functional film of Nakahara is equivalent to the claimed compensating layers simple because it is under the dummy seals. Either interpretation is incorrect.

Although, Nakahara discloses in column 4, lines 58-59 that the dummy seal is formed only on a portion of the functional film outside the liquid crystal injection area, Nakahara clearly discloses that the function film is a continuous layer formed inside and outside the injection area. The present invention clearly calls for a first compensating layer and a second compensating layer. There is no way that the single functional film of Nakahara can be two separate compensating layers.

Furthermore, the functional film of Nakahara is not equivalent to the claimed compensating layer merely because it is under the dummy seals. Using this logic, the glass substrate of Nakahara would be equivalent to the claims compensating layer because is under the dummy seal. Clearly, the functional film of Nakahara, which extends inside and out of the liquid crystal injection area is not equivalent to the claims first and second compensating layers. Accordingly, Nakahara fails to anticipate independent claim 1..

Independent claim 21 defines a liquid crystal display device that includes, *inter alia*, a first compensating layer with a width substantially the same as the width of a main seal and disposed between a first substrate and the main seal, and a second compensating layer with a width substantially the same width as the width of the dummy seals and disposed between the first substrate and the plurality of dummy seals. Accordingly, claim 21 is not anticipated by Nakahara for at least the reason that Nakahara fails to disclose each and every claimed element. (See discussion above with respect to claim 1). Further, the functional film of Nakahara does not have substantially the same width as the width of the dummy seal. In Nakahara the functional film has a width extending across the whole display, which be many times wider than the width of a dummy seal. The Examiner's assertion "that the compensating layers are substantially the same widths as the main seal and dummy seal because the step-shaped coverage compensating layer is only that portion of the 'functional film' on which the seal if formed" is a fanciful and incorrect interpretation of what Nakahara teaches. The Examiner is simply twisting the reference in an attempt to anticipate the present invention. Such fanciful interpretations of Nakahara are not consistent with one of skill in the art would understand.

Claims 2, 3, 5, 22, 23 and 25 variously depend from independent claims 1 and 21. Therefore, claims 2, 3, 5, 22, 23 and 25 are patentably distinguishable over Nakahara for at least those reasons presented above with respect to claims 1 and 21. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-3, 3, 21-23 and 25 under 35 U.S.C. §102(e).

In paragraph 6 of the Action, the Examiner rejects claims 6 and 26 under 35 U.S.C. §102(e) as allegedly being anticipated by Nakahara considered with Applicant's admissions of record. Applicants respectfully traverse this rejection.

Claims 6 and 26 depend independent claims 1 and 21, respectively. Therefore, claims 6 and 26 are patentably distinguishable over Nakahara for at least those reasons presented above with respect to claims 1 and 21. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 6 and 26 under 35 U.S.C. §102(e).

In paragraph 7 of the Action, the Examiner rejects claims 4, 7, 8, 24, 27, and 28 under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakahara. Applicants respectfully traverse this rejection.

Claims 4, 7, 8, 24, 27 and 28 variously depend from independent claims 1 and 21. Therefore, claims 4, 7, 8, 24, 27 and 28 are patentably distinguishable over Nakahara for at least those reasons presented above with respect to claims 1 and 21. More specifically, Nakahara fails to disclose or suggest first and second compensating layers that provide a step upon which the main seal and dummy seals, respectively, are raised and have substantially the same structure (Claim 1) or that have substantially the same width as the main and dummy seals (Claim 21). Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 4, 7, 8, 24, 27 and 28 under 35 U.S.C. §103(a).

In paragraph 8 of the Action, the Examiner rejects claims 7, 8, 27, and 28 under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakahara in view of Japanese Patent No. JP 08-278510 A to Hiraki et al. ("Hiraki"). Applicants respectfully traverse this rejection.

Claims 7, 8, 27, and 28 under 35 variously depend from independent claims 1 and 21. Therefore, claims 7, 8, 27, and 28 under 35 are patentably distinguishable over Nakahara

for at least those reasons presented above with respect to claims 1 and 21. Furthermore, Hiraki fails to overcome the deficiencies of Nakahara.

Since Nakahara and Hiraki both fail to disclose or suggest a liquid crystal display device that includes first and second compensating layers that provide a step upon which the main seal and dummy seals, respectively, are raised as claimed, the combination of these two patents cannot possibly disclose or suggest said feature. Therefore, even if one skilled in the art were motivated to combine Nakahara and Hiraki, the combination would still fail to render claims 7, 8, 27, and 28 under 35 unpatentable for at least the reason that the combination fails to disclose each and every claimed element. Accordingly, Applicants respectfully reconsideration and withdrawal of the rejection of claims 7, 8, 27, and 28 under 35 under 35 U.S.C. §103(a).

Applicants believe the foregoing remarks place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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